

## CHAPTER 49

### ANIMAL CONTROL ORDINANCE

#### 3 – 49.1 Purpose

It is the purpose of this Ordinance to encourage pet owners to have their pets neutered or spayed in order to minimize the unwanted pet population, to encourage animal owners and keepers to care for such animals and to provide for the public welfare and safety.

#### 3 – 49.2 Definitions

**3 – 49.2-a** *Altered Animal.* Any animal that has been operated on to prevent it from procreating.

**3 – 49.2-b** *Owner.* A person having the right of property or custody of a dog or cat, who keeps or harbors a dog or cat, or knowingly permits a dog or cat to remain on or about any premises occupied by that person.

**3 – 49.2-c** *Kennel.* Any person, group of persons, partnerships or corporation engaged in breeding dogs.

**3 – 49.2-d** *Cattery.* Any person, group of persons, partnership or corporation engaged in breeding cats.

**3 – 49.2-e** *Public Nuisance.* Any animal, which:

**3 – 49.2-e.1** Interferes with passersby or passing vehicles;

**3 – 49.2-e.2** Attacks another animal or person;

**3 – 49.2-e.3** Trespasses on school grounds;

**3 – 49.2-e.4** Is at large or unrestrained;

**3 – 49.2-e.5** Damages private or public property;

**3 – 49.2-e.6** Barks, whines, howls or makes other sounds common to its species in excessive or continuous manner; or

**3 – 49.2-e.7** Causes foul or noxious odors resulting from the accumulation of excrement or other waste materials from an animal which offend residents in the neighborhood.

**3 – 49.2-f** *Dangerous Animal*. Any animal that when unprovoked:

**3 – 49.2-f.1** Inflicts bite(s) on a human or a domestic animal either on public or private property;

**3 – 49.2-f.2** Has a history documented with a public agency of biting or attacking humans or domestic animals; or

**3 – 49.2-f.3** Any animal with a known propensity, tendency or disposition to attack, to cause injury, or otherwise threaten, or endanger the safety of humans or domestic animals; or any animal which is not properly vaccinated.

### **3 – 49.3 General Provisions**

**3 – 49.3-a** Any person within the boundaries of Vigo County and outside the boundaries of the city of Terre Haute and owning, keeping, harboring or having custody of any dog or cat over the age of six (6) months must obtain a pet registration for such animal; provided, however, that no pet registration of any animal welfare organization, municipal animal control facility or governmental agency, or guide dog shall be required. Animals belonging to those agencies or persons will be issued complementary registration tags.

**3 – 49.3-b** Any person, group of persons, partnership or corporation engaged in breeding dogs and/or cats must obtain a kennel permit and/or a cattery permit: Said permit shall be issued in lieu of pet registration for kennel and/or cattery owners.

**3 – 49.3-c** A durable tag stamped with registration number and year of issuance will be provided to pet registration holders for each registration granted.

**3 – 49.3-c.1** Dogs must wear their tags on their collars at all times except when involved in any organized show, obedience demonstration, training situation, or under the care of a licensed veterinarian.

**3 – 49.3-c.2** Any person owning, keeping, harboring or having custody of any cat must keep in their possession proof of payment of current pet registration for their cat. Cats are not required to wear tags on collars.

**3 – 49.3-d** Application for registration may be made at any facility designated by the Vigo county Board of Commissioners, or by mail, and shall include: address of applicant, including whether the applicant resides within the City of Terre Haute or within Vigo County outside the City of Terre Haute, number and description of animal(s), proof of rabies vaccination, information regarding sterilization and appropriate fee.

**3 – 49.3-e** Registrations are to be issued for a term of one (1) year, commencing with the date of issuance.

**3 – 49.3-f** All fees shall be paid at time of application and prior to the issuance of the registration.

**3 – 49.3-g** It shall be unlawful for art owner of any dog or cat living within the boundaries of Vigo County and outside the boundaries of the City of Terre Haute to fail to provide a dog or cat over the age of six (6) months with current pet registration as provided in this section. The owner of any dog or cat, which dog or cat is over the age of six (6) months must also have in its possession a current rabies vaccination tag showing that such animal has been vaccinated against rabies by a licensed veterinarian with a rabies vaccine licensed by the U.S.D.A. and approved by the Indiana State Board of Animal Health. No permit shall be issued unless proof of vaccination against rabies is shown at time of application for the permit any owner of such animal who moves into the County outside the boundaries of the City of Terre Haute for the purposes of establishing a residence or residing shall have thirty (30) days in which to obtain the registration required by this Chapter.

**3 – 49.3-h** Any person within the boundaries of Vigo County and outside the boundaries of the City of Terre Haute owning, keeping, harboring or having custody of a dangerous animal as defined in this Chapter shall confine the animal within a building or secure enclosure and shall not take such animal out of such building or secure enclosure unless such animal is restrained.

Duly authorized members of the police or other law enforcement departments including but not limited to game wardens, conservation officers, and other law enforcement officers shall be exempt from the provisions of this section.

**3 – 49.3-i** When, in the judgment of any court or the Animal Control Authority, an animal should be destroyed for humane reasons, such animal may not be redeemed.

**3 – 49.3-j** In addition to all other fees required by law to be paid, the following fees shall be paid by Owners:

**3 – 49.3-j.1** Pet Registration: for the year 1997 which shall commence on January 1, and end December 31 and each calendar year thereafter.

**3 – 49.3-j.1-a** Each altered dog or cat: \$ 5.00

**3 – 49.3-j.1-b** Each unaltered dog or cat: \$20.00

**3 – 49.3-j.1-c** Replacement tag: \$ 5.00

**3 – 49.3-j.1-a** Delinquency: (greater than 30 days) \$15.00

**3 – 49.3-j.2** Kennel/Cattery Permit: For the year 1997 which shall commence on January 1 and the end on December 31 and each calendar year thereafter.

**3 – 49.3-j.2-a** 4-15 dogs \$30.00

**3 – 49.3-j.2-a** 4-15 cats \$30.00

**3 – 49.3-j.2-a** 16 or more dogs \$40.00

**3 – 49.3-j.2-a** 16 or more cats \$40.00

### **3 – 49.4 Inspection**

**3 – 49.4-a** Whenever it is necessary to make an inspection to enforce any of the provisions of or perform any duty imposed by this Chapter or when there is reasonable cause to believe that there exists in any building or upon any premises any violation of the provisions of this Chapter or the provisions of the Indiana Code, the animal control officer, health officer or police officer is authorized at all reasonable times to inspect the same for compliance with the provisions of this Chapter, or any state law; provided that:

**3 – 49.4-a.1** If the property is occupied, the officer shall first present proper credentials to the occupant and request entry explaining the reasons therefore; and

**3 – 49.4-a.2** If the property is unoccupied, the officer shall make a reasonable effort to locate the owner or other persons having control of the property and request entry explaining the reasons therefore.

**3 – 49.4-b** In the event the animal control officer, board of health officer, or police officer has reasonable cause to believe that the keeping or maintaining of an animal is so hazardous, unsafe or dangerous as to require immediate inspection to safeguard the animal or the public health or safety, the officer shall first present proper credentials and request entry be obtained because the owner or other person having charge of the officer shall have recourse to secure lawful entry and inspection of the property.

### **3 – 49.5 Public Nuisance**

No person shall own or harbor within the boundaries of Vigo County and outside the boundaries of the City of Terre Haute a public nuisance as defined in this Chapter. Violators of this section shall be fined in accordance with Section 3-49.6.

### **3 – 49.6 Penalties**

**3 – 49.6-a** Violators of this Chapter shall be fined as follows:

First Offense     \$ 25.00

Second Offense     \$ 50.00

Third Offense     \$500.00

**3 – 49.6-b** For all violations of this Ordinance, fines shall not exceed One Thousand Dollars (\$1,000.00).

**3 – 49.6-c** Each offense shall be considered a separate offense and subject to a fine.

**3 – 49.6-d** Each twenty four (24) hours that a violation occurs will be considered a separate offense and can be cited as such.

**3 – 49.6-e** Violations of this Ordinance may result in immediate impoundment of the animal(s).

**3 – 49.7 Repealer**

All Ordinances or parts of Ordinances in conflict with the provisions of this Ordinance are hereby repealed.

**3 – 49.8 Severability Clause**

Should any section, provision or part of this Ordinance be adjudged invalid or unconstitutional, such adjudication shall not effect the validity of the Ordinance as a whole or any section, provision, or part thereof not adjudged invalid or unconstitutional.

**3 – 49.9 Disposition Of Monies**

All monies generated or collected by virtue of the provisions of this

Ordinance are to be set aside and placed in the Animal Control Fund to be used exclusively for animal welfare and control.

### **3 – 49.10**

With the passage of the Ordinance and a virtually identical Ordinance by the City of Terre Haute which will apply within the boundaries of the City of Terre Haute, the entire County will be grounded by a uniform animal control ordinance generating separately accountable funds for the County and the City to be used exclusively for animal welfare and control. This will provide uniform and acquitable control throughout the County.

### **3 – 49.11      Effective Date**

This Ordinance has been passed and adopted this 24th day of      January, 1997

by the Vigo County Board of Commissioners, and become effective on the 24th day of January, 1997.

Signatory, P. James Diehl

P. James Diehl, President

Signatory, William J. Decker

William J. Decker, Secretary

Signatory, C. Joseph Anderson, Jr.

C. Joseph Anderson, Jr. Member

Attest:

Signatory, Judith A. Anderson

Judith Anderson, Auditor